

### **REMARKS / ARGUMENTS**

Claims 23, 25-30 and 32-36 remain pending in this application. Claims 24, 27, 31 and 34 have been canceled without prejudice or disclaimer.

#### **Priority**

Applicants request acknowledgment of the claim for priority in this case. The priority document was filed in the parent case, U.S. Serial No. 08/357,189, filed December 13, 1994 (now U.S. Patent No. 5,604,737).

#### **Double Patenting Rejection**

The pending claims, as amended, are directed to a communications server having structural and functional limitations that are not obvious in view of the claims of U.S. Patent No. 5,604,737. This functional language describes the elements that perform a process between the communication terminal and the telephone, particularly for the communications started by the communication terminal (first terminal) to call the telephone (second terminal), as shown in Fig. 11. As such, it is submitted that the double patenting rejection has been overcome.

More specifically, the Examiner contends that the previously pending claims merely broaden the scope of claim 1-4 of the '737 patent by eliminating some terms. Applicants respectfully disagree. The claims of U.S. Patent No. 5,604,737 describe

the elements of a voice communication system, but fail to describe the structure and function of the communication server now being claimed. For example, independent claim 23 specifies that the communication server has a first interface and a second interface. A first unit receives a communication request from a first terminal via the first interface. A second unit transmits a call setting request to a second terminal via the second interface in response to the receipt of the communication request at the first unit. A third unit receives a call setting response, which is a response to the call setting request transmitted by the second unit, from the second terminal via the second interface. A fourth unit transmits a packetized communication accepting response to the first terminal via the first interface in response to the receipt of the call setting response at the third unit. A fifth unit establishes a communication between the first terminal and the second terminal after transmitting the packetized communication accepting response by the fourth unit. Although not identical, independent claim 30 also recites similar language.

Therefore, independent claims 23 and 30 do not merely broaden the scope of claims 1-4 of the '737 patent. Instead, they define the interrelation of elements of the communication server in a manner that is not obvious in view of claims 1-4 of the '737 patent.

Furthermore, although not applied by the Examiner in any double patenting rejection, U.S. Patent No. 6,240,085 (the parent patent) describes the communication server of the voice communication system. The claims of this parent

patent also do not disclose the structural or functional limitations of the communication server presently being claimed.

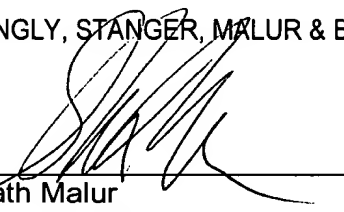
It is submitted that the double patenting rejection has been overcome. Nevertheless, the Examiner is hereby invited to contact the undersigned with any questions in order to expedite prosecution of the present application.

**Conclusion**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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